

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.	10/530,824	Confirmation No.:	7737
Applicant(s)	Lynne Rainen		
Filed:	October 19, 2005		
Group Art Unit:	1651		
Examiner:	Thane E. Underdahl		
Docket:	P-5729		
Customer No.:	26253		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO ELECTION REQUIREMENT**

Sir:

This document is being filed in response to the Office Action mailed September 17, 2007 in connection with the above-referenced application.

**Restriction Requirement under 35 U.S.C. 121**

The Examiner asserts that restriction is required to one of the following inventions under 35 U.S.C. 121:

Group I, claim(s) 1-27, drawn to an apparatus for containing a biological sample, comprising: a container having a reservoir portion for receiving the sample; and a stabilizing agent in the reservoir of the container, the agent comprising a caspase inhibitor.

Group II, claim(s) 28-35, drawn to a tube for collecting and stabilizing a biological sample; comprising: a first end, a second end and at least one interior wall defining a reservoir portion for receiving the sample; at least one stabilizing agent in the reservoir of the container, the stabilizing agent comprising a caspase inhibitor; a thixotropic polymeric gel in the reservoir; and an element for maintaining separation of the stabilizing agent and the gel.

Group III, claim(s) 36-50, drawn to a tube for collecting and stabilizing a biological sample. comprising: a first end, a second end and at least one interior wall defining a reservoir portion for receiving the sample; at least one stabilizing agent in the reservoir of the tube the agent comprising a caspase inhibitor; and a mechanical separating element in the reservoir.

Group IV, claim(s) 51-60, drawn to A method of stabilizing a biological sample, comprising: providing a sample collection container; and disposing the biological sample into the collection container such that the sample is contacted with a stabilizing agent comprising a caspase inhibitor.

Group V, claim(s) 61-65, drawn to A method for making a collection container for collecting a biological sample, comprising: providing a collection container; disposing a stabilizing agent comprising at least one caspase inhibitor into the container; lyophilizing the stabilizing agent; evacuating and sealing the container; and sterilizing. the container.

Group VI, claim(s) 66-71, drawn to A method for treating, comprising the steps of collecting a cell population that comprises hematopoietic stem cells, wherein the cell population is collected in a container comprising one or more caspase inhibitors; and administering at least a portion of the collected cell population into a patient.

Group VII, claim(s) 72-76, drawn to A method for treating, comprising the steps of: performing a leukapheresis process to collect a cell population that comprises hematopoietic stem cells, wherein the cell population is collected in a container comprising one or more caspase inhibitors; and administering at least a portion of the collected cell population into a patient.

Applicant elects Group I (claims 1-27) without traverse.

Applicant expressly reserves the right to the non-elected subject matter including the right to file one or more continuation and/or divisional applications to that subject matter as now embraced in non-elected Groups II to VII (claims 28-76).

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 02-1666.

If the Examiner has any questions or comments relating to the present application, he or she is respectfully invited to contact Applicants agent at the telephone number set forth below.

Respectfully submitted,

/Mark Lindsey/

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Dated: November 19, 2007.  
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